



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

October 10, 2008

MEMORANDUM

TO: Community Transportation Systems

FROM: Miriam S. Perry, Director

SUBJECT: Clarification on Policy Guidance for School Transportation Service

This policy clarification is guidance to public transportation systems regarding federal/state requirements related to exclusive public school transportation service. Federal law does not provide exceptions to regulations for discipline problem students being transported to alternative schools or to special needs students. These guidelines relate directly to transportation services to or from instructional programs that are provided during the regularly organized school day. Note that Head Start is not defined as a school by the Federal Transit Administration (FTA). Transportation to Child Development Centers is classified as human service transportation and therefore is not affected by the exclusive school transportation service regulations.

Federal and state requirements prohibit the use of vehicles, facilities and equipment funded by federal or state grant programs for the provision of exclusive school transportation service. Exclusive school transportation service is defined as any trip provided by a transportation system for which passengers are restricted **only** to students being transported to or from school or to or from school activities. The transportation system **must immediately cease** operating any exclusive public school transportation service operated with federally or state funded vehicles, equipment or facilities. The leasing of vehicles for the purpose of public school transportation will not be allowed. Future federal and state grant funding eligibility may be denied if exclusive school transportation service is not ceased immediately.

Community Transportation systems are to review any current exclusive public school transportation service(s) to ensure that no federally or state funded vehicles, equipment, and facilities are used for the provision of such service(s). Review existing and pending contracts with public schools to ensure that contract language does not limit the service exclusively to the public school(s). As verified by the Federal Transit Administration (FTA), any transportation service provided to or from a public school must be open to the general public and advertised as such. FTA has advised that any services that do not meet these conditions must cease immediately.

**FTA has clarified the definition of “exclusive” to encompass any service that a reasonable person would conclude was primarily designed to accommodate students and school personnel, and only incidentally to serve the nonstudent general public. Additionally, grantees may create new routes to serve students and school personnel if a reasonable person would conclude that the grantees designed the routes to serve some segment of the nonstudent general public. This clarification is to avoid situations where a grantee designs routes exclusively to serve students and school personnel, but categorizes the routes as not exclusive because any member of the general public can ride on the route, even though the route structure does not serve non-school trip purposes.**

**Historically, under its tripper service definition, FTA allowed grantees to accommodate students only with respect to “different fare collections and subsidy systems.” That definition of tripper service has been broadened over the years through administrative decisions to allow two additional actions. Grantees may modify the frequency of service and make minor route alterations in the immediate vicinity of schools to stops located at on in close proximity to the schools. For example, a grantee may provide more frequent service on an existing route to accommodate increased student ridership before and after school. Furthermore, a grantee may alter the route path to accommodate the needs of school students by making minor route alterations from the route path to drop off and pick up students at stops located on school grounds or in close proximity to schools. Historically, FTA has defined minor route alterations as “several blocks.” FTA will define a specific threshold for minor route alterations in the forthcoming notice of proposed rulemaking.**

National Highway Traffic Safety Administration (NHTSA) and the National Transportation Safety Board (NTSB) emphasize that school buses are one of the safest forms of transportation in this country, and therefore strongly recommend that all vehicles used to transport school children be certified as meeting NHTSA's school bus safety standards. Passenger vans are not required to be manufactured to the same federal motor vehicle safety standards as traditional yellow school buses. Using passenger vans that do not meet NHTSA's school bus standards to transport students could result in increased liability in the event of a crash as the risk of a serious injury or fatality is significantly higher.

## SOURCE DOCUMENTS

- 1. Federal Transit Administration (FTA) Circular 9040.1E “Non-Urbanized Area Formula Program Guidance and Grant Application Instructions” effective October 1, 1998, Section VIII
- 2. 49 U.S.C. 5323(f) School Bus Transportation
- 3. 49 CFR 605 School Bus Operations
- 4. Federal Transit Administration (FTA) Circular 49 CFR Part 605 “Final Policy Statement on FTA’s School Bus Operations Regulations” Tuesday, September 16, 2008

